

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION – CINCINNATI

TIFFANY TRAVIS, individually and on	:	Case No. 1:23-cv-607
behalf of those similarly situated,	:	
	:	Judge Matthew W. McFarland
Plaintiff,	:	
	:	
v.	:	
	:	
PROCTER & GAMBLE COMPANY, et al.,	:	
	:	
Defendants.	:	

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ORDER GRANTING MOTION TO STAY

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This matter is before the Court on the parties' Joint Motion to Stay Action Pending Decision from Judicial Panel on Multidistrict Litigation ("JPML") (Doc. 20). Upon review, the Motion is **GRANTED**.

**FACTS**

Plaintiff brings this action on behalf of consumers who bought over-the-counter drugs that were falsely advertised as treatment for cold and flu symptoms. (Am. Compl., Doc. 14.) Plaintiff brings various fraud claims against Procter & Gamble Company, Johnson & Johnson Consumer Inc., RB Health (US) LLC, and GlaxoSmithKline Consumer Healthcare Holdings (US) LLC. (*Id.*)

On September 18, 2023, plaintiffs in another over-the-counter drug case filed a Motion for Transfer of Actions Pursuant to 28 U.S.C. § 1407 for Coordinated or Consolidated Proceedings with the JPML. (Motion, Doc. 20, Pg. ID 316-17.) Those

plaintiffs seek to create a Multidistrict Litigation proceeding and transfer similar actions to the District of New Jersey. *See In re Oral Phenylephrine Mktg. & Sales Prac. Litig.*, MDL No. 3089. Plaintiff filed a Notice of Related Actions with the JPML, arguing that this action relates to the pending Motion to Transfer. (Motion, Doc. 20, Pg. ID 317.) The Motion to Transfer is expected to be fully briefed by November 1, 2023 and a hearing is set for the matter on November 30, 2023. (*Id.*)

### **LAW & ANALYSIS**

The parties move to stay this case pending the JMPL decision on the Motion to Transfer and Plaintiff's Notice of Related Actions. (*See* Motion, Doc. 20.) Federal courts have the inherent authority to stay proceedings. *See Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936) ("[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants."). "When courts consider stays in the context of pending multidistrict litigation, they consider (1) potential prejudice to the non-moving party; (2) hardship and inequity to the moving party if the action is not stayed; and (3) the judicial resources that would be saved by avoiding duplicative litigation if the cases are in fact consolidated." *David S. Lowry, CPA, Ltd. v. U.S. Bancorp*, No. 1:20-cv-348, 2020 U.S. Dist. LEXIS 131304, at \*5 (S.D. Ohio July 24, 2020) (citations omitted). "Courts frequently grant stays pending a decision by the [JMPL] regarding whether to transfer a case." *Good v. Prudential Ins. Co. of Am.*, 5 F. Supp. 2d 804, 809 (N.D. Cal. 1998).

The Court finds that this case should be stayed pending the JMPL's decision on the Motion to Transfer and Plaintiff's Notice of Related Actions. The JPML has set a

hearing on the Motion for Transfer for November 30, 2023, indicating that the matter will be resolved soon thereafter. (Motion, Doc. 20, Pg. ID 317.) In light of this fact, as well as the fact that this case is only in its infancy, the Court finds that a stay on this case is unlikely to cause undue prejudice or hardship for either party. *See Bozin v. Keybank, N.A.*, No. 1:22-cv-1536, 2023 U.S. Dist. LEXIS 639, at \*8 (N.D. Ohio Jan. 3, 2023). Furthermore, a stay “will ensure that the Court does not waste judicial resources on duplicative litigation.” *Gruppo v. Janssen Pharms., Inc.*, No. 1:20-cv-755, 2020 U.S. Dist. LEXIS 216268, at \*2 (S.D. Ohio Nov. 18, 2020). Accordingly, a stay is appropriate in this case.

### CONCLUSION

Upon review, the parties’ Joint Motion to Stay Action Pending Decision from Judicial Panel on Multidistrict Litigation (Doc. 20) is **GRANTED** and this case is **STAYED** in its entirety. Additionally, the parties are **ORDERED** to file a joint status report following the JPML’s decision on the Motion to Transfer and Plaintiff’s Notice of Related Actions.

**IT IS SO ORDERED.**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO

By:   
JUDGE MATTHEW W. McFARLAND